THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

FIRST APPEAL NO. 1144 OF 2003

Mr.Shripad G. Desai and others. ... Appellants.

V/s.

Mr.Kamlakar A. Desai and others. ... Respondents.

V.C.Ghosalkar for the appellant.

Nitin Kadam for respondent Nos.1 to 8.

A.R.Patil, AGP for respondent No.8.

CORAM: D.B. BHOSALE, J.

DATED: 28th November 2006.

P.C. :

Mr.Ghosalkar, learned counsel for the appellant at the outset invited my attention to para-5 of the operative part of the impugned judgment dated 30th January 1999 to contend that the elections as directed in the said paragraph has not been conducted at all. Para-5 of the operative part of the judgment reads thus:

> "5) After completion of all requuirements, the fit person to elect Managing committee as per the provisions of Rules and Regulations of the Trust preferably within a period of one year from the date of this order and to hand over the charge to such elected Managing Committee

of the Trust.”

2. In reply to this, respondent No.1 has filed affidavit stating that the first election was held on 19th November 2000 and thereafter on 23rd February 2003. In both the elections 13 members of the managing committee were elected. Next election was due in February-March 2006. Mr.Kadam, learned counsel for respondent Nos.1 to 8, on instructions from respondent No.1, submits that the existing managing committee undertakes to hold election within 45 days from today. The statement made is accepted. The affidavit filed by respondent No.1 is taken on record and marked `X' for identification.

3. In view of the affidavit filed by respondent No.1 and the statement made by the learned counsel for respondent Nos.1 to 8, Mr.Ghosalkar, learned counsel for the appellant does not press this appeal.

4. Appeal is, accordingly, disposed of as not pressed. No order as to costs.

(D.B.BHOSALE, J.)

CIVIL APPLICATION

In view of disposal of the appeal, this civil application does not survive. The same is disposed of as infructuous.

(D.B.BHOSALE, J.)